

AMENDED IN SENATE APRIL 1, 2004
AMENDED IN SENATE MARCH 16, 2004
AMENDED IN SENATE MARCH 1, 2004

SENATE BILL

No. 1149

Introduced by Senator Ortiz

January 26, 2004

An act to add *and repeal* Sections 4001.2 and 4001.3 ~~to~~ of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1149, as amended, Ortiz. Dangerous drugs: Canadian pharmacies: foreign suppliers.

Existing law, the Pharmacy Law, establishes the California State Board of Pharmacy and makes it responsible for licensing and regulating pharmacy practices, including the furnishing of dangerous drugs, as defined.

This bill would require the board to develop and disseminate information identifying pharmacies in Canada that meet recognized standards for the safe acquisition, shipment, handling, and dispensing of dangerous drugs to California residents. The bill would also require the board to collect, publish, and post on an Internet Web site information concerning suppliers of dangerous drugs that are located and operating outside of the United States that have violated safe shipment, handling, and processing standards. *The bill would repeal its provisions on January 1, 2008.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds all of the following:

(a) Prescription medications are an essential part of health care delivery and have contributed to increasing the life expectancy of patients and treating their diseases and conditions.

(b) Despite this, due to the high cost of prescription medications, many Californians, especially elderly, disabled, and low-income persons, face difficulty accessing the medications they need to maintain their health.

(c) As one means of accessing affordable prescription medications, increasing numbers of Californians are purchasing prescription medications from foreign countries, in many cases through an Internet Web site.

(d) California consumers currently have few ways of determining which outlets and suppliers of prescription medications in foreign countries are safe and reliable, particularly those offering their products through an Internet Web site.

(e) Canadian pharmacies that are licensed by the provinces in which they are located generally meet safety standards for the acquisition, distribution, and dispensing of prescription medications that are as stringent as those in California.

(f) In order to help ensure access to prescription medications, there is a need to provide consumers with information about safe and reliable Canadian pharmacies and about fraudulent and unsafe suppliers or outlets of prescription medications whose practices may potentially harm consumers, and there is a need to assist consumers in making informed choices for obtaining prescription medications for their health care needs.

SEC. 2. Section 4001.2 is added to the Business and Professions Code, to read:

4001.2. (a) The board shall develop and disseminate information identifying Canadian pharmacies that have established that they meet recognized standards for the safe acquisition, shipment, handling, and dispensing of dangerous drugs to persons in California. As part of this requirement, the board shall establish an interactive Internet Web site that links consumers to, or provides information about, Canadian pharmacies that the board has determined meet recognized

standards for the safe acquisition, shipment, handling, and dispensing of dangerous drugs to persons in California.

(b) For the purposes of this section, a Canadian pharmacy that meets recognized standards for the safe acquisition, shipment, handling, and dispensing of dangerous drugs means a pharmacy that is located in Canada and meets all of the following requirements:

(1) Is licensed by the province in which it is located.

(2) Is accredited or eligible for accreditation by the Internet and Mail Order Pharmacy Accreditation Commission or is a member of the Canadian International Pharmacy Association.

(3) Meets the requirements for licensure by the board as a pharmacy.

(4) *Does not require a consumer to sign a waiver of liability or a release of liability for a negligent act by the pharmacy.*

(c) *This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.*

SEC. 3. Section 4001.3 is added to the Business and Professions Code, to read:

4001.3. (a) The board shall collect, publish, and post on an Internet Web site created pursuant to Section 4001.2, information concerning suppliers of dangerous drugs that are located and operating outside of the United States that have been found to have violated recognized standards for the safe shipment, handling, and processing of dangerous drugs.

(b) In carrying out this section, the board may rely on information made available by regulatory and law enforcement bodies, including, but not limited to, the federal Food and Drug Administration, the United States Customs Service, prescription drug regulatory bodies of foreign countries, the Attorney General, the United States Department of Justice, the boards of pharmacy of other states, and the National Association of Boards of Pharmacy.

(c) The board is not required to conduct surveillance activities or its own investigations in order to carry out the requirements of this section, but is authorized to engage in those activities to the extent its resources permit.

1 (d) *This section shall remain in effect only until January 1,*
2 *2008, and as of that date is repealed, unless a later enacted statute,*
3 *that is enacted before January 1, 2008, deletes or extends that date.*

